

Introduced by Senator Romero

February 24, 2006

An act to amend Section 6250 of the Government Code, and to amend Sections 832.7 and 832.8 of the Penal Code, relating to personnel records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1631, as introduced, Romero. Personnel records

Existing law generally regulates access to information relating to conduct of the people's business. Existing law also provides that peace officer or custodial officer personnel records are confidential, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6250 of the Government Code is
2 amended to read:
3 6250. In enacting this chapter, the Legislature, mindful of the
4 right of individuals to privacy, finds and declares that access to
5 information concerning ~~the~~ conduct of the people's business is a
6 fundamental and necessary right of every person in this state.
7 SEC. 2. Section 832.7 of the Penal Code is amended to read:
8 832.7. (a) Peace officer or custodial officer personnel records
9 and records maintained by any state or local agency pursuant to
10 Section 832.5, or information obtained from these records, are
11 confidential and shall not be disclosed in any criminal or civil

1 proceeding except by discovery pursuant to Sections 1043 and
2 1046 of the Evidence Code. This section shall not apply to
3 investigations or proceedings concerning the conduct of peace
4 officers or custodial officers, or an agency or department that
5 employs those officers, conducted by a grand jury, a district
6 attorney's office, or the Attorney General's office.

7 (b) Notwithstanding subdivision (a), a department or agency
8 shall release to the complaining party a copy of his or her own
9 statements at the time the complaint is filed.

10 (c) Notwithstanding subdivision (a), a department or agency
11 that employs peace or custodial officers may disseminate data
12 regarding the number, type, or disposition of complaints
13 (sustained, not sustained, exonerated, or unfounded) made
14 against its officers if that information is in a form ~~which~~ *that*
15 does not identify the individuals involved.

16 (d) Notwithstanding subdivision (a), a department or agency
17 that employs peace or custodial officers may release factual
18 information concerning a disciplinary investigation if the officer
19 who is the subject of the disciplinary investigation, or the
20 officer's agent or representative, publicly makes a statement he
21 or she knows to be false concerning the investigation or the
22 imposition of disciplinary action. Information may not be
23 disclosed by the peace or custodial officer's employer unless the
24 false statement was published by an established medium of
25 communication, such as television, radio, or a newspaper.
26 Disclosure of factual information by the employing agency
27 pursuant to this subdivision is limited to facts contained in the
28 officer's personnel file concerning the disciplinary investigation
29 or imposition of disciplinary action that specifically refute the
30 false statements made public by the peace or custodial officer or
31 his or her agent or representative.

32 (e) (1) The department or agency shall provide written
33 notification to the complaining party of the disposition of the
34 complaint within 30 days of the disposition.

35 (2) The notification described in this subdivision shall not be
36 conclusive or binding or admissible as evidence in any separate
37 or subsequent action or proceeding brought before an arbitrator,
38 court, or judge of this state or the United States.

39 (f) Nothing in this section shall affect the discovery or
40 disclosure of information contained in a peace or custodial

1 officer's personnel file pursuant to Section 1043 of the Evidence
2 Code.

3 SEC. 3. Section 832.8 of the Penal Code is amended to read:

4 832.8. As used in Section 832.7, "personnel records" means
5 any file maintained under ~~that~~ *an* individual's name by his or her
6 employing agency and containing records relating to any of the
7 following:

8 (a) Personal data, including marital status, family members,
9 educational and employment history, home addresses, or similar
10 information.

11 (b) Medical history.

12 (c) Election of employee benefits.

13 (d) Employee advancement, appraisal, or discipline.

14 (e) Complaints, or investigations of complaints, concerning an
15 event or transaction in which he or she participated, or ~~which~~ *that*
16 he or she perceived, and pertaining to the manner in which he or
17 she performed his or her duties.

18 (f) Any other information the disclosure of which would
19 constitute an unwarranted invasion of personal privacy.